

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION **OVER A PRIOR PATENT**

Assistant Commissioner for Patents Washington, D.C. 20231

Programs

- 1. National Instruments Corporation is the owner of all rights in the captioned application.
- 2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,974,254. National Instruments Corporation hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

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3. In making the above disclaimer, National Instruments Corporation does not

disclaim the terminal part of any patent granted on the captioned patent application that would

extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and

§173 of U.S. Patent No. 5,974,254, as presently shortened by any terminal disclaimer, in the event

that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by

a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under

37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any

manner terminated prior to the expiration of its full statutory term as presently shortened by any

terminal disclaimer.

4. National Instruments Corporation certifies that it is the assignee of the entire right,

title and interest in the patent application identified above by virtue of an assignment from the

inventors of the patent application identified above.

5. The Terminal Disclaimer fee under 37 CFR 1.20(d) is included.

6. I hereby declare that all statements made herein of my own knowledge are true and

that all statements made on information and belief are true; and further that these statements were

made with the knowledge that willful false statements and the like so made are punishable by fine

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 6/5/2000

Bv:

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